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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,738	10/14/2003	Masayasu Ito	02008/131001	4283
22511	7590	12/01/2005	EXAMINER	
OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010			VU, DAVID HUNG	
			ART UNIT	PAPER NUMBER
			2828	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No. OK

10/684,738

Applicant(s)

ITO ET AL.

Examiner

David Vu

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 6 and 7 is/are allowed.  
6) ☒ Claim(s) 1 and 3 is/are rejected.  
7) ☒ Claim(s) 2, 4 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefebvre U.S. Pat No 6,641,294 in view of Hamp et al (hereinafter Hamp), U.S. Pub. No. 2001/0033503.

Lefebvre essentially discloses a lighting circuit including selection unit 40 and plurality of light source blocks with LEDs in series. Selection unit 40 is operable to select a number of LEDs based on an instruction from an outside, wherein when selection unit 40 opens switch 48, current is not flowing to block 16 (selection unit 40 does not select light source block 16 at that time), see, for example, figure 3, abstract, column 3, lines 10-66. Lefebvre does not explicitly disclose a switching regulator for applying a voltage from an external DC power supply and an output controlling for controlling output voltage from the switching regulator based on the supply current. Hamp discloses switching regulator 2-3 for applying a voltage from DC power supply 6 to the LEDs and

an output controlling 5 for controlling output voltage from the switching regulator based on the supply current, see, for example figure 1, paragraph [0007]-[0009]. It would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have provided the switching regulator and an output controlling as taught by Hamp; thus, a more efficient lighting system would have been realized.

Regarding claim 3, figure 3 of the Lefebvre reference shows three parallel blocks with LEDs in series and the selection unit 40 selects the LEDs connected in series by switching the selected block. The Hamp and Lefebvre combination does not explicitly disclose the LEDs in each block are different. However, assigning different LEDs in each block would have been considered obvious to one of ordinary skill in the lighting art. Thus, it would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have employed different LEDs in each block so as to allow more or less light energy emanating from each LED block.

The recitation "for lighting a vehicular lamp" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). However, the Lefebvre reference clearly discloses such lighting circuit in a vehicular lamp.

***Allowable Subject Matter***

4. Claims 2 and 4 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 6-7 are allowed.

***Response to Arguments***

6. Applicant's arguments filed 9/2/2005 have been fully considered but they are not persuasive.

Applicant argues that the Hamp reference does not show or suggest light source blocks comprising one or more LEDs connected in series. The Examiner disagrees. Figure 1 of the Hamp reference clearly shows light source blocks comprising one or more LEDs CR2-CR9 connected in series; figure 3 of the Lefebvre reference shows light source blocks comprising one or more LEDs connected in series. Applicant also argues that the Hamp reference does not disclose a selection unit operable to select a number of LEDs based on an instruction from an outside and the Lefebvre reference does not disclose a switch operable not to flow a current through one of the light source block not selected according to the selection of selection unit. Since applicant has amended the claims, attention is now directed to the Lefebvre reference. The Lefebvre reference clearly shows selection unit 40 operable to select a number of LEDs based on an instruction from an outside. When selection unit 40 opens switch 48, current is not

flowing to block 16; this action implies selection unit 40 does not select light source block 16 at that time.

***Conclusion***

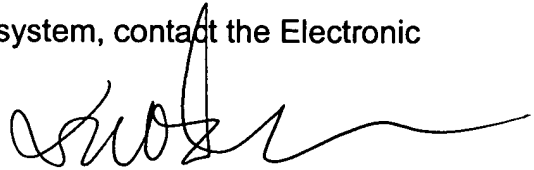
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (571) 272-1831. The examiner can normally be reached on M-F 8am-430pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Vu  
Primary Examiner  
Art Unit 2828

dv